


OLC 79-2516

29 August 1979

MEMORANDUM FOR: See Distribution

STATINTL

FROM :   
Assistant Legislative Counsel

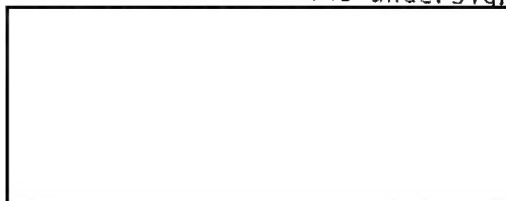
SUBJECT : S. 1410, Force Reductions

1. S. 1410 is yet another in a parade of bills, led off by the "Leach" amendment to the Civil Service Act of 1978, which would reduce (by attrition in this case) the Federal civilian work force over a period of years. This bill serves to augment the Leach amendment as it begins where "Leach" left off. (U/IUO)

2. The bill calls for apportioned reductions amongst the several executive branch agencies. However, subsection (d)(1) exempts this Agency, the FBI, NSA and VA health care facilities from the apportioning. (U/IUO)

STATINTL

3. Your comments, if any, should be directed to the undersigned within a reasonable time. (U/IUO)



Attachment

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II

96TH CONGRESS  
1ST SESSION

# S. 1410

To reduce permanently the level of the Federal civilian work force.

## IN THE SENATE OF THE UNITED STATES

JUNE 26 (legislative day, JUNE 21), 1979

Mr. ROTH introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

## A BILL

To reduce permanently the level of the Federal civilian work force.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 That (a) subject to subsection (b) and section 3, the civilian  
4 work force of the executive branch of the Government—

5 (1) on September 30, 1980, shall not exceed 98  
6 percent of the 1977 civilian work force of such branch,

7 (2) on September 30, 1981, shall not exceed 96  
8 percent of the 1977 civilian work force of such branch,

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10 percent of the 1977 civilian work force of such branch,

1 (4) on September 30, 1983, shall not exceed 92  
2 percent of the 1977 civilian work force of such branch,

3 (5) on September 30, 1984, and on each Septem-  
4 ber 30 thereafter, shall not exceed 90 percent of the  
5 1977 civilian work force of such branch,

6 (b)(1) Any work force reductions necessary in order to  
7 comply with subsection (a) shall be made by attrition.

8 (2) No more than 15 percent of the positions involved in  
9 work force reductions made in any 12-month period in order  
10 to comply with subsection (a) shall be positions for which the  
11 rate of pay is less than or equal to the minimum rate of basic  
12 pay payable for GS-5 of the General Schedule.

13 (c) Subject to subsection (d), the President shall, with  
14 respect to positions in the executive branch of the Govern-  
15 ment—

16 (1) take such steps as may be necessary to ensure  
17 that any work force reductions necessary in order to  
18 comply with the requirements of the first section of  
19 this Act are apportioned among each of the agencies of  
20 such branch in a manner consistent with the relative  
21 size of the work force of each such agency, and

22 (2) prescribe regulations to carry out the purpose  
23 of the first section of this Act, including regulations to  
24 ensure that no increase in the procurement of personal

1 services by contract occurs by reason of the enactment  
2 of this Act.

3 (d)(1) Subsection (c)(1) shall not apply with respect to  
4 the Central Intelligence Agency, the Federal Bureau of In-  
5 vestigation, the National Security Agency, or any health care  
6 facility directly operated by the Veterans' Administration.

7 (2) Any work force reductions which may be prescribed  
8 under subsection (c)(1) to be made in any agency of the ex-  
9 ecutive branch of the Government shall be made with respect  
10 to such positions as the head of such agency designates.

11 (c) Subsection (a) shall be effective notwithstanding any  
12 provision of section 311 of the Civil Service Reform Act of  
13 1978 (92 Stat. 1153).

14 SEC. 2. (a) Subject to subsection (b) and section 3, be-  
15 ginning on October 1, 1980, work force reductions with re-  
16 spect to positions in the legislative branch of the Government  
17 shall be commensurate with those prescribed in the first sec-  
18 tion of this Act for the executive branch of the Government.

19 (b) Any work force reductions necessary in order to  
20 comply with subsection (a) shall be made by attrition unless  
21 attrition alone is insufficient to satisfy the requirements of  
22 such subsection.

23 (c) Work force reductions made in order to comply with  
24 subsection (a) shall be made with respect to such positions as  
25 are designated by such entity (representing both major politi-

1 cal parties equally) as the Congress shall by concurrent reso-  
2 lution prescribe.

3 SEC. 3. (a) The preceding provisions of this Act shall  
4 not apply during a time of war, or during a period of national  
5 emergency, declared by the Congress or the President.

6 (b) For purposes of the preceding provisions of this Act,  
7 the position of an individual employed on a part-time career  
8 employment basis shall be counted as a fraction, the size of  
9 which is determined by dividing 40 hours into the average  
10 number of hours of the regularly scheduled workweek of such  
11 individual.

12 SEC. 4. Not later than January 20, 1981, and January  
13 20 of each year thereafter, the Director of the Office of Man-  
14 agement and Budget shall submit to the Congress a report  
15 indicating the changes in the level of the Federal civilian  
16 work force of the executive branch of the Government made  
17 during the previous 12-month period pursuant to this Act.

18 SEC. 5. Not later than January 1, 1983, the Director of  
19 the Federal Judicial Center shall submit to the Congress rec-  
20 ommendations as to how reductions commensurate with  
21 those prescribed in the first section of this Act for the execu-  
22 tive branch of the Government might be made among the  
23 offices, agencies, and other establishments of the judicial  
24 branch of the Government to assure the least impairment to

1 the capacity of the Federal courts to handle the volume of  
2 cases filed in such courts.

3 SEC. 6. For purposes of this Act—

4 (1) the term “civilian work force”, when used  
5 with respect to any branch of the Government, means  
6 the total number of persons employed by all agencies  
7 of such branch,

8 (2) the term “1977 civilian work force”, when  
9 used with respect to any branch of the Government,  
10 means the civilian work force (as defined in paragraph  
11 (1)) of such branch on September 30, 1977.

12 (3) the term “agency”—

13 (A) when used with respect to the executive  
14 branch of the Government, means each executive  
15 agency, as such term is defined by section 105 of  
16 title 5, United States Code, except that such term  
17 does not include the United States Postal Service  
18 or the Postal Rate Commission, and

19 (B) when used with respect to the legislative  
20 branch of the Government, means each office,  
21 agency, or other establishment in such branch,

22 and

23 (4) the term “civil service” has the meaning given  
24 such term by section 2101(1) of title 5, United States  
25 Code.